

Assembly Bill No. 483

CHAPTER 241

An act to add Section 11752.75 to the Insurance Code, relating to workers' compensation.

[Approved by Governor October 11, 2009. Filed with
Secretary of State October 11, 2009.]

LEGISLATIVE COUNSEL'S DIGEST

AB 483, Buchanan. Workers' compensation: Internet Web sites.

Existing law provides that a licensed rating organization shall make available specified policy information relating to workers' compensation insurance, as specified.

This bill would provide that a licensed rating organization shall, pursuant to regulations adopted by the Insurance Commissioner after notice and hearing, establish and maintain an Internet Web site, as specified, for the purposes of assisting any person to determine whether an employer is insured for workers' compensation.

This bill would specify who may submit an inquiry and for what purpose, what information shall be available on the Internet Web site, and would provide that a rating organization would not be required to disclose, on the Internet Web site, certain specified information or confidential information, as specified.

The bill would provide that the Internet Web site shall be accessible for inquiries without charge, but the commissioner may at his or her discretion, permit the rating organization to impose access restrictions as necessary to deter the use of the Internet Web site for purposes other than which it was intended.

This bill would provide that the Internet Web site contain specified information, or a hypertext link to insurer information on the Department of Industrial Relations' Internet Web site, and a hypertext link to the department for the purpose of locating employers who may be self-insured.

This bill would require that the Internet Web site be operational within one year after adoption of regulations by the commissioner, and be updated as specified.

This bill would require the commissioner to adopt regulations to implement this act and provide for dispute resolution regarding the accuracy of the information displayed on the Internet Web site.

This bill would provide civil immunity, as specified, to rating organizations, and specified persons acting within their capacity as members of the organization, or employees acting within the scope of their employment, who release information.

This bill would provide that it shall not be construed to create liability, as specified, or construed to limit the authority of a rating organization to disclose information contained in its records to others.

This bill would require the commissioner to conduct a review, evaluation, and assessment of the Internet Web site, as specified, to provide a written report no later than July 1, 2013, of his or her findings to various state legislative and executive entities, and to make the report available on its own Internet Web site.

The people of the State of California do enact as follows:

SECTION 1. Section 11752.75 is added to the Insurance Code, to read:

11752.75. (a) (1) Notwithstanding any other provision of law, a licensed rating organization shall, pursuant to regulations adopted by the commissioner after notice and hearing, establish and maintain an Internet Web site for the purposes of assisting any person to determine whether an employer is insured for workers' compensation.

(2) An Internet Web site developed pursuant to this section shall not include any links to a commercial, for-profit Internet Web site, other than a link to the licensed rating organization's homepage, and shall not contain any advertising other than the name, logo, and contact information of the licensed rating organization.

(b) The Internet Web site shall:

(1) Permit a person to submit a query for coverage information concerning a specified employer on a specified date. The specified date shall be within five years of the date of query.

(2) Permit the query to specify an employer, using the name, address, or other identifying information of the employer, or combinations of identifying information, as may be provided by regulations adopted by the commissioner. Other identifying information may include, but need not be limited to, the employer's federal employer identification number.

(3) In response to the query, provide the name of the workers' compensation insurer or insurers for the employer on the date specified in the query according to the most recent information available to the rating organization, subject to paragraph (7), and provide a contact address for the insurer from information available to the rating organization, or by providing a hypertext link to insurer information available on the department's Internet Web site.

(4) Be accessible for inquiries without charge. However, the commissioner may, at his or her discretion, permit the rating organization to impose access restrictions as necessary to deter the use of the Internet Web site for purposes other than those for which it was intended.

(5) Contain a hypertext link to the Department of Industrial Relations' Internet Web site for the purpose of locating employers who may be self-insured.

(6) Include any disclaimers that the commissioner may prescribe.

(7) Be updated to reflect policy information as soon as is reasonably feasible following submission of that information by insurers to the rating organization, as the commissioner shall require.

(8) Include a disclaimer stating that the search results may not reflect recent changes in information.

(9) Include a disclaimer stating that the failure of an employer to appear in response to a query does not mean that the employer does not have insurance or is operating in violation of California law.

(10) Include the date that the Internet Web site was last updated.

(c) A rating organization shall not be required to disclose on the Internet Web site any policy numbers, inception or expiration dates, or confidential information, as defined by the commissioner.

(d) The Internet Web site specified in this section shall become operative no later than one year after the effective date of regulations adopted by the commissioner implementing this section.

(e) The commissioner shall adopt regulations to implement this section no later than January 1, 2011. These regulations shall specify a method by which an employer may dispute through the rating organization or the employer's insurance company the accuracy of the information displayed on the Internet Web site.

(f) No rating organization, member of a rating organization, or member of a committee of a rating organization when acting within his or her capacity as a member of the committee, or officer or employee of a rating organization when acting within the scope of his or her employment, shall be liable to any person for injury, personal or otherwise, or damages caused, or alleged to have been caused, either directly or indirectly, by the good faith disclosure of information pursuant to this section, or for the accuracy or completeness of any information disclosed in good faith.

(g) This section shall not be construed to create liability except as provided in this section, nor as a legislative recognition that, except for the enactment of this section, a liability would exist.

(h) Nothing in this section shall be construed as limiting the authority of a rating organization to disclose information contained in its records to others.

(i) The commissioner shall conduct a review and evaluation of the establishment and operation of the Internet Web site and an assessment of whether it is achieving its intended purpose and provide a written report on his or her findings no later than July 1, 2013. The report shall include, to the extent possible, statistics on usage, error rates, user complaints, and efforts undertaken by the commissioner to improve the operation of the Internet Web site. The commissioner shall present a copy of the report to the office of the President pro Tempore of the Senate, the Speaker of the Assembly, the Senate Committee on Banking, Finance and Insurance, the Assembly Committee on Insurance, the Department of Finance, and the

Department of Industrial Relations and shall make it available on the Internet Web site of the Department of Insurance.

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